

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RODNEY MITCHELL,

Plaintiff,

v.

R.M. WADE,

Defendant.

No. 2:20-cv-0183 AC P

ORDER AND FINDINGS AND
RECOMMENDATIONS

On June 10, 2021, plaintiff's complaint was screened. ECF No. 5. At that time it was determined that the pleading failed to state a claim upon which relief may be granted, and plaintiff was given thirty days leave to file an amended complaint. See id. at 3-4, 6 (finding single Eighth Amendment claim against sole defendant was not cognizable). Thirty days from that date have since passed, and plaintiff has neither filed an amended complaint nor responded to the court's order in any way.

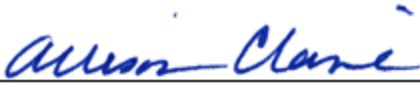
Accordingly, IT IS HEREBY ORDERED that the Clerk of Court randomly assign a District Court Judge to this action.

IT IS FURTHER RECOMMENDED that this action be DISMISSED without prejudice for failure to prosecute. See Local Rule 110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days

1 after being served with these findings and recommendations, plaintiff may file written objections
2 with the court. Such a document should be captioned “Objections to Magistrate Judge’s Findings
3 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
4 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153
5 (9th Cir. 1991).

6 DATED: July 20, 2021

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8 ALLISON CLAIRE
9 UNITED STATES MAGISTRATE JUDGE
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